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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,547

08/27/2003

Messay Amerga

020683

7595

23696

7590

08/17/2006

QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

EXAMINER

AGHDAM, FRESHTEH N

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/650,547	<b>Applicant(s)</b> AMERGA ET AL.	
	<b>Examiner</b> Freshteh N. Aghdam	<b>Art Unit</b> 2611	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1-21.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 7/25/2006 have been fully considered but they are not persuasive.

**Applicant's Argument(s):** On pages 6-7, regarding claims 1, 16, 20, and 21, applicant argues that the claimed invention is not taught or suggested by Aikawa "Nowhere does Aikawa teach of storing offsets or of comparing a stored offset with a search result, or removing a corresponding search result from a plurality of search results when the search result is within a predetermined threshold of the stored offset." On page 7, regarding claims 2 and 17, applicant requests that the examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding per 37 CFR 1.104(d)(2). On page 8, regarding claim 13, applicant argues that the claimed invention is not taught or suggested by Oh "the predetermined threshold is variable increasing with an increase in the time lapsed since the associated offset was determined."

**Examiner Response:** Regarding claims 1, 16, 20, and 21, Aikawa teaches a cell search controller that correlates a received signal with a synchronization sequence to produce a first plurality of search results, each search result comprising at least one of an energy indicator (power or correlation value) or an offset (chip); and a processor (Fig. 4, means 24) for comparing the previously known stored offset or energy indicator (i.e. preset threshold) with the offset of a search result of the first plurality of search

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results and removing the corresponding search result from the first plurality of search results when the search result offset is within a predetermined threshold of the stored offset (Par. 52-53, 69, and 72). Regarding claims 2 and 17, Aikawa teaches a plurality of scrambling code identifiers wherein different scrambling code identifiers correspond to different cells and are associated with offsets (chips) and the stored offsets (threshold) selected therefrom (Fig. 5; Par. 35 and 53). Aikawa does not expressly teach storing scrambling code identifiers and associated offsets. One of ordinary skill in the art would clearly recognize that the scrambling code identifiers could be stored in a type of memory for further processing. The cited references below disclose storing scrambling code identifiers:

Lim et al (US 2003/0202541) see paragraph 36; and Hokao (US 2002/0177458) see the Abstract.

Regarding claim 13, Oh teaches that the threshold is variable and it is proportional to the average noise power (Par. 79-84). One of ordinary skill in the art would clearly recognize that as the average noise power increases the time lapsed increases; and since, the threshold value is proportional to the average noise power level; therefore, the threshold value increases. The threshold value increases as the average noise power increases because the noise level reference indicates that the propagation environment is bad. Hirade (US 2002/0015399), in the same field of endeavor, describes this in more details see figures 1-3 and paragraph 24.

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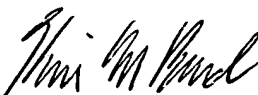
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freshteh N. Aghdam whose telephone number is (571) 272-6037. The examiner can normally be reached on Monday through Friday 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Freshteh Aghdam  
August 14, 2006

  
**KEVIN BURD**  
**PRIMARY EXAMINER**